IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SHOW CAUSE NOTICE NO. 668 OF 2004
IN
CONTEMPT PETITION NO. 23 OF 2004
IN
APPEAL NO.677 OF 2003
IN
WRIT PETITION NO. 1787 OF 2003

Mrs. Seema Shridhar Gokhale.
....Petitioner.

Vs.

The Principal, Parle Tilak Vidyalaya Association, Sathaye College and ors.
....Respondents.

Mr. A.A. Garge for the Petitioner.
Mr. K.M. Jawle for the Respondent Nos. 1 and 2.
.....

CORAM : A.S. AGUIAR,J.
DATED : 4/3/2005.

P.C.:

1. Heard learned Advocate for the petitioner and the respondent Nos. 1 and 2 i.e. Principal and the Institution i.e. Parle Tilak Vidyalaya Association. None for the respondent Nos. 3 and 4. However, they have filed their affidavit in reply dated 17.4.2004. The respondent Nos. 1 and 2 in their affidavit in Para 3 have admitted the mistake on their part and stated as under :

> "I say and submit that the aforesaid mistake on our part was genuine mistake which was committed in the circumstances set out by me hereinabove. I humbly extend my unconditional apology to this Hon'ble Court for the aforesaid mistake on our part and pray that this Hon'ble court be pleased to condone the aforesaid lapse on our part. I hereby undertake to take all the necessary steps and submit a fresh proposal to the third respondent for approving the appointment of the petitioner for the academic year 2003-04 as if she had in fact been appointed as a part time teacher and also call upon the third respondent to release the salary grant of the petitioner for the said academic year".

2. The respondent Nos. 3 and 4 have filed their affidavit and in Para 6 of the affidavit they have stated that since the petitioner Smt. Seema Gokhale has only 2.40 hours of work load in college, hence, it is not possible for the respondent Nos. 3 and 4 to approve her appointment as full time teacher. They further state that they have not violated or

committed contempt of order dated 15.9.2003. The relevant portion of the order of Division Bench of this court dated 15.9.2003 reads as follows:

> "Accordingly, we direct the respondent Nos. 3 and 4 to accord approval to the appointment of the appellant for the present academic year on the temporary basis and to clear her salary on that footing".

3. As stated earlier the respondent Nos. 3 and 4 have filed their affidavit. In view of the statement made by the respondent-State, the School authorities to submit fresh proposal to the respondent Nos.3 and 4.

4. The respondent Nos. 3 and 4 to consider the proposal which will be made by the respondent Nos. 1 and 2 expeditiously and in any event dispose of the same within a period of four weeks from the receipt of the copy of this order. Show cause stands discharged. Petition stands disposed of.

(A.S. AGUIAR, J.)